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09/887,982	06/22/2001	Babak Rezvani	CT-006	8195

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EXAMINER

NGUYEN, THU HA T

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/887,982

Applicant(s)

REZVANI ET AL.

Examiner

Thu Ha T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 61-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 61-81 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims **61-81** are presented for examination.
2. Claims 1-60 are cancelled without prejudice.

**Continued Examination Under 37 CFR 1.114**

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 21, 2005 has been entered.

**Response to Arguments**

4. Applicant's arguments filed December 21, 2005 have been fully considered but they are not persuasive because of the following reason:

5. Applicant argues that Humpleman does not teach or disclose retrieving a template document and inserting display components into the template documents to generate a virtual representation. In response to applicant argument, the examiner asserts that Humpleman does teach the feature of retrieving a template document and inserting display components into the template documents to generate a virtual representation as shown in figures 6-8, 10-11, col. 7, line 4-67, col. 9, line 30-col. 10, line 59 and col. 13, lines 26-51.

6. As a result, cited prior art does disclose a system and method for generating a virtual representation of a device using a template document, as

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broadly claimed by the Applicants. Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior art.

7. Therefore, the examiner asserts that cited prior art teaches or suggests the subject matter broadly recited in independent claims 61, 68 and 75. Claims 62-67, 69-74, and 76-81 are also rejected at least by virtue of their dependency on independent claims and by other reasons set forth in this office action. Accordingly, claims 61-81 are rejected.

#### **Claim Rejections - 35 USC § 101**

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 75-81 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter because of the following reasons:

10. Claim 75 is not limited to tangible embodiments. The claim recited "A virtual representation of a device comprising" is nonstatutory. Since claim 75 recited "a virtual representation..." is just limited to a "functional descriptive material" consists of data structures and computer programs per se, instead being defined as including tangible embodiments (e.g., a computer readable medium such as memory device, machine-readable medium, storage medium...). As such, the claim is not limited to statutory subject matter and is

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therefore nonstatutory.

11. To overcome this type of 101 rejection, the examiner suggests applicant needs to amend the claim to include the physical computer medium to store the application software (for example the claim should be amended as "A virtual representation embedded or encoded in a computer-readable storage medium ..." see MPEP 2106 section V. DETERMINE WHETHER THE CLAIMED INVENTION COMPLIES WITH 35 U.S.C. 101 under subsection 1. Nonstatutory subject matter.

12. Likewise, claims 76-81 are dependent claims that depend on independent claim 75, thus claim 76-81 are also rejected under 35 U.S.C. 101.

13. Appropriate correction is required.

### **Claim Rejections - 35 USC § 102**

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15. Claims 1-60 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Humpleman et al.** (hereinafter Humpleman) U.S. Patent No. **6,288,716**.

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16. As to claim 61, **Humpleman** teaches the invention as claimed, including a method for generating a virtual representation of a device using a template document comprising:

retrieving a template document comprising a layout specifying an arrangement of display components (figures 6-8, 10-11, col. 7, line 4-67, col. 9, line 30-col. 10, line 59 –*template document comprises icon image file layout*);

retrieving at least one of the display components for the device (col. 7, line 4-67);

inserting the at least one display component into the template document (figures 6-8, col. 7, lines 4-67, col. 9, col. 10, lines 26-58, col. 13, lines 26-51);  
and

generating the virtual representation using the template document containing the at least one display component (col. 7, lines 4-67, col. 9, line 30-col. 10, line 59, col. 13, lines 15-51, col. 14, lines 26-41, col. 15, lines 23-63).

17. As to claim 62, **Humpleman** teaches the invention as claimed in claim 1, wherein the template document is retrieved from a remote database (figure 4, col. 11, line 60-col. 12, line 22).

18. As to claim 63, **Humpleman** teaches the invention as claimed in claim 61 wherein the template document is retrieved from the device (col. 7, lines 4-67, col. 14, lines 42-62, col. 15, line 49-col. 16, line 19).

19. As to claim 64, **Humpleman** teaches the invention as claimed in claim 61 further comprising selecting the template document from a plurality of template documents (figures 6-8, col. 7, line 30-col. 10, line 59).

20. As to claim 65, **Humpleman** teaches the invention as claimed in claim 64 wherein the template document is selected based on display language, remote user access device type, or time of day (col. 8, lines 55-67, col. 9, lines 30-45).

21. As to claim 66, **Humpleman** teaches the invention as claimed in claim 61 wherein the at least one display component corresponds to a component on the device (col. 7, lines 4-67, col. 9, line 30-col. 10, line 59).

22. As to claim 67, **Humpleman** teaches the invention as claimed in claim 61 wherein the at least one display component does not correspond to a component on the device (col. 7, lines 4-67, col. 9, line 30-col. 10, line 59).

23. As to claim 68, **Humpleman** teaches the invention as claimed, including a system for generating a virtual representation of a device using a template document comprising:

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means for retrieving a template document comprising a layout specifying an arrangement of display components (figures 6-8, 10-11, col. 7, line 4-67, col. 9, line 30-col. 10, line 59 –*template document comprises icon image file layout*);

means for retrieving at least one of the display components for the device (col. 7, line 4-67);

means for inserting the at least one display component into the template document (figures 6-8, col. 7, lines 4-67, col. 9, col. 10, lines 26-58, col. 13, lines 26-51); and

means for generating the virtual representation using the template document containing the at least one display component (col. 7, lines 4-67, col. 9, line 30-col. 10, line 59, col. 13, lines 15-51, col. 14, lines 26-41, col. 15, lines 23-63).

24. As to claim 69, **Humpleman** teaches the invention as claimed in claim 68 wherein the template document is retrieved from a remote database (figure 4, col. 11, line 60-col. 12, line 22).

25. As to claim 70, **Humpleman** teaches the invention as claimed in claim 68 wherein the template document is retrieved from the device (col. 7, lines 4-67, col. 14, lines 42-62, col. 15, line 49-col. 16, line 19).



26. As to claim 71, **Humpleman** teaches the invention as claimed in claim 68 further comprising means for selecting the template document from a plurality of template documents (figures 6-8, col. 7, line 30-col. 10, line 59).

27. As to claim 72, **Humpleman** teaches the invention as claimed in claim 71 wherein the template document is selected based on display language, remote user access device type, or time of day (col. 8, lines 55-67, col. 9, lines 30-45).

28. As to claim 73, **Humpleman** teaches the invention as claimed in claim 68 wherein the at least one display component corresponds to a component on the device (col. 7, lines 4-67, col. 9, line 30-col. 10, line 59).

29. As to claim 74, **Humpleman** teaches the invention as claimed in claim 68 wherein the at least one display component does not correspond to a component on the device (col. 7, lines 4-67, col. 9, line 30-col. 10, line 59).

30. As to claim 75, **Humpleman** teaches the invention as claimed, including a virtual representation of a device comprising:

a processor programmed to: retrieve a template document comprising a layout specifying an arrangement of display components (figures 6-8, 10-11, col. 7, line 4-67, col. 9, line 30-col. 10, line 59 –*template document comprises icon image file layout*);

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retrieve at least one of the display components for the device (col. 7, line 4-67);

insert the at least one display component into the template document (figures 6-8, col. 7, lines 4-67, col. 9, col. 10, lines 26-58, col. 13, lines 26-51);  
and

generate the virtual representation using the template document containing the at least one display component (col. 7, lines 4-67, col. 9, line 30-col. 10, line 59, col. 13, lines 15-51, col. 14, lines 26-41, col. 15, lines 23-63).

31. As to claim 76, **Humpleman** teaches the invention as claimed in claim 75, wherein the template document is retrieved from a remote from a remote database (figure 4, col. 11, line 60-col. 12, line 22).

32. As to claim 77, **Humpleman** teaches the invention as claimed in claim 75, wherein the template document is retrieved from the device (col. 7, lines 4-67, col. 14, lines 42-62, col. 15, line 49-col. 16, line 19).

33. As to claim 78, **Humpleman** teaches the invention as claimed in claim 75, wherein the processor is further programmed to select the template document from a plurality of template documents (figures 6-8, col. 7, line 30-col. 10, line 59).

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34. As to claim 79, **Humpleman** teaches the invention as claimed in claim 78, wherein the template document is selected based on display language, remote user access device type, or time of day (col. 8, lines 55-67, col. 9, lines 30-45).

35. As to claim 80, **Humpleman** teaches the invention as claimed in claim 75, wherein the at least one display component corresponds to a component on the device (col. 7, lines 4-67, col. 9, line 30-col. 10, line 59).

36. As to claim 81, **Humpleman** teaches the invention as claimed in claim 75, wherein the at least one display component does not correspond to a component on the device (col. 7, lines 4-67, col. 9, line 30-col. 10, line 59).

### **Conclusion**

37. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see PTO-892).

38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (571) 272-3989. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.

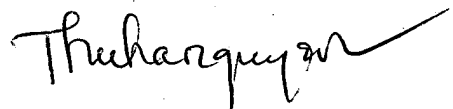
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Najjar Saleh, can be reached at (571) 272-4006.

The fax phone numbers for the organization where this application or

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proceeding is assigned are (571) 273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Thu Ha Nguyen', with a long, sweeping horizontal stroke extending to the right.

Thu Ha Nguyen

March 31, 2006